

JC06 Rec'd PCT/PTO 19 SEP 2005

PATENT

Atty. Docket No. 2866US (203-3509PCTUS)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Olson et al.

SERIAL NO.: 10/529,799

GROUP: Art Unit - not yet assigned

FILED: March 30, 2005

DATED: September 16, 2005

FOR: **SURGICAL STAPLER WITH UNIVERSAL ARTICULATION  
AND TISSUE PRE-CLAMP**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO/SB/08A is brought to the attention of the Examiner. Copies of the foreign references are attached hereto.

The following non-English foreign references were cited for the following reasons:

French publication no. 2681775 was cited to illustrate an endoscopic instrument having an articulatable tool assembly. See FIG. 6.

French publication no. 2,542,188 was cited to illustrate a surgical stapling device including a cartridge 19 and an anvil 20. See FIG. 1.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 16, 2005.

Dated: September 16, 2005

Christopher G. Trainor  
Christopher G. Trainor

German publication no. 4,213,426 was cited to show an endoscopic surgical instrument including a remotely controlled tool assembly.

German publication no. 4,300,307 was cited to show an endoscopic instrument having an articulating remotely controlled tool assembly.

European publication no. 0369324 was cited to show an endoscopic surgical instrument having a pair of remotely controlled jaws. See FIG. 1.

USSR publication nos. 659146 and 728848 were cited to illustrate surgical stapling devices having a cartridge assembly and an anvil assembly.

USSR publication nos. 980703 and 990220 were cited to show endoscopic devices having an articulating remotely controlled tool member.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art.

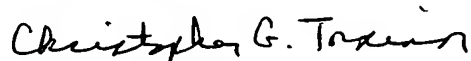
The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b). To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.

[X] Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or §1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. Also, in the event any extensions of time for responding and/or a petition under 37 C.F.R. §1.17(i)(i) are required for the pending application(s), please treat this paper as a petition to extend the time and/or enter this Information Disclosure Statement as required and charge Deposit Account No. 21-0550 therefor. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

The claims of this application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of this application is respectfully requested.

Respectfully submitted,

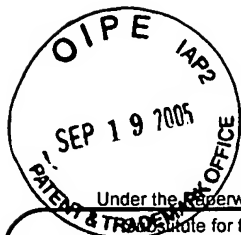


Christopher G. Trainor  
Reg. No. 39,517  
Attorney for Applicants

CARTER, DELUCA, FARRELL &  
SCHMIDT, LLP  
445 Broad Hollow Road, Suite 225  
Melville, New York 11747  
Tel (631) 501-5700  
Fax (631) 501-3526

**Correspondence Address:**

**Mark Farber, Esq.**  
**U.S. Surgical, a Division of**  
**Tyco Healthcare Group, LP**  
**150 Glover Avenue**  
**Norwalk, CT 06856**  
**Tel: (203) 845-1000/Fax: (203) 845-5988**



PTO/SB/08a (08-03 )

Approved for use through 07/31/2006. OMB 0651-0031

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	10/529,799
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Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	2866US (203-3509PCTUS)

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**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-6,905,057	06/14/2005	Swayze et al.	
		US-6,889,116	05/03/2005	Jinno	
		US-6,879,880	04/12/2005	Nowlin et al.	
		US-6,877,647	04/12/2005	Green et al.	
		US-6,843,403	01/18/2005	Whitman	
		US-6,835,119	12/28/2004	Hori	
		US-6,830,174	12/14/2004	Hillstead et al.	
		US-6,808,262	10/26/2004	Chapoy et al.	
		US-6,786,382	09/07/2004	Hoffman	
		US-6,783,524	08/31/2004	Anderson et al.	
		US-6,755,338	06/29/2004	Hahnen et al.	
		US-6,731,473	05/04/2004	Li et al.	
		US-6,722,552	04/20/2004	Fenton, Jr.	
		US-6,716,232	04/06/2004	Vidal et al.	
		US-6,698,643	03/02/2004	Whitman	
		US-6,669,073	12/30/2003	Milliman et al.	
		US-6,656,193	12/02/2003	Grant et al.	
		US-6,644,532	11/11/2003	Green et al.	

**FOREIGN PATENT DOCUMENTS**

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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		France 2681775	10/1991			
		France 2542188	9/1984			
		Germany 4213426	10/1992			
		Germany 4300307	7/1994			
		EPO 0369324	5/1990			

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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		US-6,619,529	09/16/2003	Green et al.	
		US-6,612,053	09/02/2003	Liao	
		US-6,602,252	08/05/2003	Mollenauer	
		US-6,594,552	07/15/2003	Nowlin et al.	
		US-6,592,597	07/15/2003	Grant et al.	
		US-6,587,750	07/01/2003	Gerbi et al.	
		US-6,565,554	05/20/2003	Niemeyer	
		US-6,554,844	04/29/2003	Lee et al.	
		US-6,544,274	04/08/2003	Danitz et al.	
		US-6,505,768	01/14/2003	Whitman	
		US-6,503,257	01/07/2003	Grant et al.	
		US-6,488,196	12/03/2002	Fenton, Jr.	
		US-6,463,623	10/15/2002	Ahn et al.	
		US-6,443,973	09/03/2002	Whitman	
		US-6,439,446	08/27/2002	Perry et al.	
		US-6,436,097	08/20/2002	Nardella	
		US-6,330,965	12/18/2001	Milliman et al.	
		US-6,325,810	12/04/2001	Hamilton et al.	

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		USSR 659146	4/1979			
		USSR 728848	5/1977			
		Russian Federation 980703	12/1982			
		Russian Federation 990220	1/1983			
		EPO 0552423	7/1993			

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		US-6,315,184	11/13/2001	Whitman	
		US-6,315,183	11/13/2001	Piraka	
		US-6,279,809	08/28/2001	Nicolo	
		US-6,269,977	08/07/2001	Moore	
		US-6,264,087	07/24/2001	Whitman	
		US-6,264,086	07/24/2001	McGuckin, Jr.	
		US-6,250,532	06/26/2001	Green et al.	
		US-6,241,139	06/05/2001	Milliman et al.	
		US-6,202,914	03/20/2001	Geiste et al.	
		US-6,197,017	03/06/2001	Brock et al.	
		US-6,010,054	01/04/2000	Johnson et al.	
		US-6,109,500	08/29/2000	Alli et al.	
		US-6,079,606	06/27/2000	Milliman et al.	
		US-6,032,849	03/07/2000	Mastri et al.	
		US-6,004,335	12/21/1999	Vaitekunas et al.	
		US-5,980,510	11/09/1999	Tsonton et al.	
		US-5,954,259	09/21/1999	Viola et al.	
		US-5,922,001	07/13/1999	Yoon	

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		EPO 0598579	5/1994			
		EPO 0621006	10/1994			
		United Kingdom 2048685	12/1980			
		United Kingdom 2165559	4/1986			
		United Kingdom 1452185	10/1976			

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		Number-Kind Code <sup>2</sup> (if known)			
		US-5,919,198	07/06/1999	Graves, Jr. et al.	
		US-5,918,791	07/06/1999	Sorrentino et al.	
		US-5,911,353	06/15/1999	Bolanos et al.	
		US-5,901,895	05/11/1999	Heaton et al.	
		US-5,897,562	04/27/1999	Bolanos et al.	
		US-5,873,873	02/23/1999	Smith et al.	
		US-5,871,135	02/16/1999	Williamson IV et al.	
		US-5,865,361	02/02/1999	Milliman et al.	
		US-5,862,972	01/26/1999	Green et al.	
		US-5,836,147	11/17/1998	Schnipke	
		US-5,833,695	11/10/1998	Yoon	
		US-5,829,662	11/03/1998	Allen et al.	
		US-5,826,776	10/27/1998	Schulze et al.	
		US-5,823,066	10/20/1998	Huitema et al.	
		US-5,820,009	10/13/1998	Melling et al.	
		US-5,817,109	10/06/1998	McGarry et al.	
		US-5,816,471	10/06/1998	Plyley et al.	
		US-5,814,055	09/29/1998	Knodel et al.	

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		WIPO 9308754	5/1993			
		WIPO 9314706	8/1993			
		EPO 0589306	3/1994			
		EPO 0136950	4/1985			
		EPO 0220029	4/1987			

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		US-5,810,855	09/22/1998	Rayburn et al.	
		US-5,810,811	09/22/1998	Yates et al.	
		US-5,797,538	08/25/1998	Heaton et al.	
		US-5,797,537	08/25/1998	Oberlin et al.	
		US-5,797,536	08/25/1998	Smith et al.	
		US-5,782,834	07/21/1998	Lucey et al.	
		US-5,782,397	07/21/1998	Koukline	
		US-5,782,396	07/21/1998	Mastri et al.	
		US-5,779,132	07/14/1998	Knodel et al.	
		US-5,779,131	07/14/1998	Knodel et al.	
		US-5,779,130	07/14/1998	Alesi et al.	
		US-5,772,673	06/30/1998	Cuny et al.	
		US-5,769,303	06/23/1998	Knodel et al.	
		US-5,762,256	06/09/1998	Mastri et al.	
		US-5,762,255	06/09/1998	Chrisman et al.	
		US-5,752,644	05/19/1998	Bolanos et al.	
		US-5,749,893	05/12/1998	Vidal et al.	
		US-5,743,456	04/28/1998	Jones et al.	

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		EPO 0591946	4/1994			
		EPO 0592243	4/1994			
		EPO 0621009	10/1994			
		EPO 0656188	6/1995			
		EPO 0213817	11/1987			

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number	10/529,799
Filing Date	March 30, 2005
First Named Inventor	Olson et al.
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	2866US (203-3509PCTUS)

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**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-5,735,848	04/07/1998	Yates et al.	
		US-5,728,110	03/17/1998	Vidal et al.	
		US-5,725,554	03/10/1998	Simon et al.	
		US-5,725,536	03/10/1998	Oberlin et al.	
		US-5,716,366	02/10/1998	Yates	
		US-5,713,505	02/03/1998	Huitema	
		US-5,711,472	01/27/1998	Bryan	
		US-5,709,334	01/20/1998	Sorrentino et al.	
		US-5,704,534	01/06/1998	Huitema et al.	
		US-5,697,542	12/16/1997	Knodel et al.	
		US-5,692,668	12/02/1997	Schulze et al.	
		US-5,690,269	11/25/1997	Bolanos et al.	
		US-5,680,982	10/28/1997	Schulze et al.	
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		US-5,673,841	10/07/1997	Schulze et al.	
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Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		EPO 0273468	7/1988			
		EPO 0324638	7/1989			
		EPO 0373762	6/1990			
		EPO 0380025	8/1990			
		EPO 0449394	10/1991			

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First Named Inventor	Olson et al.
Art Unit	Unassigned
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		Number-Kind Code <sup>2</sup> (if known)			
		US-5,669,544	09/23/1997	Schulze et al.	
		US-5,667,517	09/16/1997	Hooven	
		US-5,662,666	09/02/1997	Onuki et al.	
		US-5,662,662	09/02/1997	Bishop et al.	
		US-5,662,260	09/02/1997	Yoon	
		US-5,662,259	09/02/1997	Yoon	
		US-5,662,258	09/02/1997	Knodel et al.	
		US-5,658,300	08/19/1997	Bito et al.	
		US-5,657,921	08/19/1997	Young et al.	
		US-5,655,698	08/12/1997	Yoon	
		US-5,653,721	08/05/1997	Knodel et al.	
		US-5,653,374	08/05/1997	Young et al.	
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		US-5,636,780	06/10/1997	Green et al.	
		US-5,634,584	06/03/1997	Okorochoa et al.	
		US-5,632,432	05/27/1997	Schulze et al.	
		US-5,630,541	05/20/1997	Williamson, IV et al.	

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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		EPO 0484677	5/1992			
		EPO 0489436	6/1992			
		EPO 0503662	9/1992			
		EPO 0514139	11/1992			
		EPO 0537572	4/1993			

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First Named Inventor	Olson et al.
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	2866US (203-3509PCTUS)

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		Number-Kind Code <sup>2</sup> (if known)			
		US-5,630,540	05/20/1997	Blewett	
		US-5,630,539	05/20/1997	Plyley et al.	
		US-5,628,446	05/13/1997	Geiste et al.	
		US-5,626,587	05/06/1997	Bishop et al.	
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		US-5,601,224	02/11/1997	Bishop et al.	
		US-5,597,107	01/28/1997	Knodel et al.	
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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		United Kingdom 2141066	12/1984	United Kingdom		
		WIPO WO9210976	7/1992	WIPO		
		WIPO WO8302247	7/1993	WIPO		
		EPO 0324637	7/1989	EPO		
		EPO 0041022	12/1981	EPO		

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Application Number	10/529,799
Filing Date	March 30, 2005
First Named Inventor	Olson et al.
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	2866US (203-3509PCTUS)

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**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-5,562,241	10/08/1996	Knodel et al.	
		US-5,562,239	10/08/1996	Boiarski et al.	
		US-5,560,532	10/01/1996	DeFonzo et al.	
		US-5,560,530	10/02/1996	Bolanos et al.	
		US-5,554,169	09/10/1996	Green et al.	
		US-5,554,164	09/10/1996	Wilson et al.	
		US-5,553,765	09/10/1996	Knodel et al.	
		US-5,551,622	09/03/1996	Yoon	
		US-5,540,375	07/30/1996	Bolanos et al.	
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		US-5,529,235	06/25/1996	Boiarski et al.	
		US-5,518,164	05/21/1996	Hooven	
		US-5,518,163	05/21/1996	Hooven	
		US-5,507,426	04/26/1996	Young et al.	
		US-5,505,363	04/09/1996	Green et al.	

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		EPO 0324166	7/1989			
		EPO 0539762	5/1993			
		EPO 0545029	6/1993			
		EPO 0579038	1/1994			
		EPO 0598202	5/1994			

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Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	2866US (203-3509PCTUS)

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		US-5,497,933	03/12/1996	DeFonzo et al.	
		US-5,489,058	02/06/1996	Plyley et al.	
		US-5,487,500	01/30/1996	Knodel et al.	
		US-5,487,499	01/30/1996	Sorrentino et al.	
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		US-4,482,197	01/09/1996	Green et al.	
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		US-5,470,010	11/28/1995	Rothfuss et al.	
		US-5,470,007	11/28/1995	Plyley et al.	
		US-5,467,911	11/21/1995	Tsuruta et al.	
		US-5,465,895	11/14/1995	Knodel et al.	

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		EPO 0365153	8/1995			
		United Kingdom 1555455	11/1979			
		United Kingdom 2070499	9/1981			
		United Kingdom 1352554	4/1971			
		EPO 0373762	6/1990			

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		US-5,431,322	07/11/1995	Green et al.	
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		US-5,415,335	05/16/1995	Knodell, Jr.	
		US5,415,334	05/16/1995	Williamson, IV et al.	
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		US-5,407,293	4/18/1995	Crainich	
		US-5,397,324	03/14/1995	Carroll et al.	
		US-5,397,046	03/14/1995	Savage et al.	
		US-5,395,034	03/07/1995	Allen et al.	
		US-5,395,033	03/07/1995	Byrne et al.	

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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		EPO 0666057	08/1995			
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		EPO 0324635	07/1989			

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Application Number	10/529,799
Filing Date	March 30, 2005
First Named Inventor	Olson et al.
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	2866US (203-3509PCTUS)

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**U.S. PATENT DOCUMENTS**

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		Number-Kind Code <sup>2</sup> (if known)			
		US-5,383,880	01/24/1995	Hooven	
		US-5,382,255	01/17/1995	Castro et al.	
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		EPO 0552050	7/1993			
		WO 89/10094	11/1989			
		EPO 0156774	10/1985			
		EPO 0216532	4/1987			

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		Germany 2903159	1/1980			
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		EPO 0539762	5/1993			
		United Kingdom 1452185	10/1976			

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